

D/F

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MELISSA STAMILE, KENDRA HINDS,
SHANNON PAIZ, COURTNEY BRACCIA,
and JESSICA LITTLE,

Plaintiffs,

-against-

ORDER

10 CV 2362 (SJF) (AKT)

COUNTY OF NASSAU, MARC BARBER,
individually and in his Official Capacity, C.O.
"JOHN" RAVIZEE, individually and in his
Official Capacity, SHERIFF MICHAEL
SPOSATO, individually and in his Official
Capacity, C.O.'s "JOHN DOES" #1-10,
individually and in their Official Capacities,
(the name John Doe being fictitious, as the
true names are presently unknown),,

Defendants.

X

FEUERSTEIN, J.

FILED
U.S. DISTRICT COURT
★
LONG ISLAND CITY

On June 10, 2010, plaintiffs, female inmates at Nassau County Correctional Facility, initiated this action against defendants pursuant to 42 U.S.C. § 1983 based in large part upon allegations of sexual misconduct of defendant Marc Barber. On August 26, 2010, defendant Nassau County filed a motion to stay all of the proceedings in this action, including discovery, "until the final resolution and completion of the criminal prosecution of named co-defendant Marc Barber" DE 21. Plaintiffs opposed the motion. Pursuant to a referral, Magistrate Judge A. Kathleen Tomlinson issued a Report and Recommendation on January 31, 2011 (the "Report") which recommended that the motion be granted. No objections have been filed to the

Report. For the reasons stated herein, the Report is accepted in its entirety.

I. Discussion

Rule 72 of the Federal Rules of Civil Procedure permits magistrate judges to conduct proceedings on dispositive pretrial matters without the consent of the parties. Fed. R. Civ. P. 72(b). Any portion of a report and recommendation on dispositive matters, to which a timely objection has been made, is reviewed de novo. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). The court, however, is not required to review the factual findings or legal conclusions of the magistrate judge as to which no proper objections are interposed. See Thomas v. Arn, 474 U.S. 140, 150, 106 S.Ct. 466, 88 L.Ed.2d 435 (1985). To accept the report and recommendation of a magistrate judge to which no timely objection has been made, the district judge need only be satisfied that there is no clear error on the face of the record. See Fed. R. Civ. P. 72(b); Baptichon v. Nevada State Bank, 304 F. Supp. 2d 451, 453 (E.D.N.Y. 2004), affd, 125 F. App'x. 374 (2d Cir. 2005); Nelson v. Smith, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985). Whether or not proper objections have been filed, the district judge may, after review, accept, reject, or modify any of the magistrate judge's findings or recommendations. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

No objections have been filed to Magistrate Judge Tomlinson's Report to date. Upon review, the Court is satisfied that the Report is not facially erroneous. Accordingly, the Court accepts and adopts Magistrate Judge Tomlinson's Report as an Order of the Court.

II. Conclusion

For the foregoing reasons, the Report is accepted in its entirety. Defendant Nassau County's motion to stay the instant action is granted.

SO ORDERED.

SANDRA J. FEUERSTEIN
United States District Judge

Dated: February 18, 2011
Central Islip, New York